

**UNPUBLISHED**

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

---

**No. 03-1891**

---

STATE OF NORTH CAROLINA; UNION COUNTY; KYLE MATHIS, by and through his next friends, C. Timothy Mathis and Shannon Mathis; QUADE MATHIS, by and through his next friends, C. Timothy Mathis and Shannon Mathis; BOYCE JACKSON, by and through his next friend, Jodi Livengood; LAUREN LIVENGOD, by and through her next friend, Eric Livengood; KAYLA BARNETTE, by and through her next friends Michelle Barnette and Michael Barnette; C. TIMOTHY MATHIS; SHANNON MATHIS; CHARLES MATHIS; JEFFREY MATHIS,

Plaintiffs - Appellants,

versus

WILLIAM FRANKLIN MCGUIRT, Sheriff of Union County, in his individual and official capacities; OLD REPUBLIC SURETY COMPANY, as surety; HARLEYSVILLE MUTUAL INSURANCE COMPANY, as surety; TED KEZIAH; HARRY FUSS; RANDY COX; GREG STEWART; LARK PLYLER, JR.; STEVE SIMPSON; DAIRY SIMPSON; ROGER LANEY; BILL TUCKER; SHANE MCKENZIE; JEFF WEBB; E. M. GOODMAN; DAVID LINTO; DEXTER WILSON; KAREN CROOK; KEVIN JAMES; BILL SHAW; TOMMY ALLEN; RYAN HUNKE; MIKE EASLY; W. A. GAGNON; CHAD COPPAGE; BRIAN HELMS; R. TOMBERLIN; J. KIRKLEY; TOMMY GALLIS; MICHAEL COPPAGE; EDWARD HENDRICKS; JOHN INGANI, Deputy Sheriffs, in their individual and official capacities; DANNY THOMPSON; JOHN DOES; JOYCE THOMAS,

Defendants - Appellees,

and  
T. PRICE,

Defendant.

---

Appeal from the United States District Court for the Western District of North Carolina, at Charlotte. Graham C. Mullen, Chief District Judge. (CA-02-353-3)

---

Submitted: December 17, 2003 Decided: February 2, 2004

---

Before NIEMEYER, WILLIAMS, and MICHAEL, Circuit Judges.

---

Dismissed by unpublished per curiam opinion.

---

Aaron E. Michel, Charlotte, North Carolina, for Appellant.  
Edward L. Eatman, Jr., Kevin Collins, HEDRICK, EATMAN, GARDNER & KINCHELOE, Charlotte, North Carolina, for Appellee.

---

Unpublished opinions are not binding precedent in this circuit.  
See Local Rule 36(c).

PER CURIAM:

Appellants appeal the district court's order dismissing their complaint without prejudice. The district court dismissed the complaint, because it failed to comply with Fed. R. Civ. P. 8, 12, in that the complaint was both too lengthy and too vague. Because Appellants may cure these defects by amending the complaint, the dismissal without prejudice is not a final, appealable order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). We therefore dismiss the appeal. We dispense with oral argument, because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED